

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Nasean Bonie,

Petitioner

—v—

Anthony Annucci,

Respondent.

19-CV-11822
(AJN) (DCF)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

ALISON J. NATHAN, Circuit Judge, sitting by designation:

Before the Court is Judge Freeman’s Report & Recommendation recommending that the Court deny *pro se* Petitioner’s petition for habeas corpus brought pursuant to 28 U.S.C. § 2254. Dkt. No. 28.

When considering the findings and recommendations of a Magistrate Judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). “The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for clear error on the face of the record when there are no timely objections to the R[eport] & R[ecommendation].” *Banks v. Comm’r of Soc. Sec.*, No. 19-CV-929 (AJN), 2020 WL 2765686, at *1 (S.D.N.Y. May 27, 2020) (internal quotation marks omitted). Clear error is found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-CV-8265 (DAB) (MHD), 2013 WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

As of this date, no objections to the Report & Recommendation have been filed, and the deadline for objections has passed. *See* Dkt. No. 28 at 26–27. The Court thus reviews the Report & Recommendation for clear error. It finds none. Thus, the Court adopts the Report & Recommendation in its entirety and dismisses Petitioner’s § 2254 petition for the reasons provided in Judge Freeman’s Report & Recommendation.

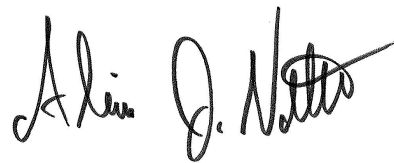
Because Petitioner “has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue.” *Perez v. United States*, No. 04-CV-7148 (JSR), 2007 WL 685949, at *1 (S.D.N.Y. Jan. 29, 2007) (citing 28 U.S.C. § 2253). The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is respectfully directed **to close this case and to mail a copy of this Order to Petitioner** at the address reflected on the docket and shown below:

Nasean Bonie
DIN No. 15A1872
Southport Correctional Facility
P.O. Box #2000
Pine City, NY 14871-2000

SO ORDERED.

Dated: April 28, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a long horizontal stroke extending to the right.

ALISON J. NATHAN
United States Circuit Judge,
sitting by designation